

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated July 25, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 are pending in the Application. By means of the present amendment, the claims are amended for better conformance to U.S. practice. By these amendments, the claims are not amended to address issues of patentability, and applicants respectfully reserve all rights under the Doctrine of Equivalents. No new matter is added as for example, the claims were already directed to, for example, a "method for dividing user storage space". In addition, no further search should be required as a search related to user storage space should already have been conducted as this matter was already present in the previously pending claims. Accordingly, consideration and entrance of the amended claims is respectfully requested.

In the Office Action, claim 17 is rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants respectfully disagree with and explicitly traverse these grounds for rejecting claim 17 as claim 17 was directed to an

(emphasis added) "[a]pparatus, comprising a signal processing system configured to communicate with a disc drive system of a disc drive apparatus for writing data to and reading data from an optical disc, said disc drive system being designed for executing" a series of acts. Clearly an apparatus comprising a signal processing system comprises statutory subject matter. The allegation in the Final Office Action that the claim was directed to an electronic signal is not supportable by the claim as presented. Accordingly, while it is applicants' position that the claims are statutory, in the interest of furthering the prosecution of this matter, applicants have elected to amend the claims as indicated above to be in a better U.S. form.

Specifically, applicants have amended claim 17 to recite, (emphasis added) "[a]pparatus, comprising a signal processing system configured to communicate with a disc drive system of a disc drive apparatus for writing data to and reading data from an optical disc, wherein said signal processing system is configured to divide ... and to define ...".

Clearly, claim 17 requires statutory subject matter and is in proper form. Accordingly, it is respectfully requested that the amendment to the claim 17 to be in better U.S. form as indicated

above, be entered and that the rejection of claim 17 under 35 U.S.C. §101 be withdrawn.

In the Final Office Action, claims 1-17 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,734,787 to Yonemitsu ("Yonemitsu").

It is clear from the "Remarks to Arguments" section of the Final Office Action (see, Final Office Action, page 6), that the Final Office Action considers the lead-in and lead-out areas as areas wherein an application is not allowed to write and further considers, the application/program read/write area as an area wherein the application is allowed to write. However, it is respectfully submitted that the claims are directed to defining areas and parameters of the user storage space. Since the Final Office Action acknowledges, as is known in the art, that the lead-in and lead-out areas are not a portion of the user storage space, clearly these areas can not be divided as a portion of the user storage area.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Yonemitsu. For example, Yonemitsu does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis

provided) "dividing user storage space of an optical disc, the method comprising acts of: dividing the user storage space into one or more storage sections where a specific application is allowed to write and one or more sections where said application is not allowed to write; and defining one or more availability parameter(s) which define(s) location and/or extent of at least one application-allowed storage section in the user storage space" as recited in claim 1, and as similarly recited by each of claims 7, 13 and 17. As Yonemitsu does not provide any such teaching of dividing the user storage space, Yonemitsu can not be said to anticipate the claims as presented.

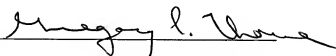
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 7, 13 and 17 are patentable over Yonemitsu and notice to this effect is earnestly solicited. Claims 2-6, 8-12 and 14-16 respectively depend from one of claims 1, 7 and 13 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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